



16179 U.S. PTO

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Docket no. 003/289/SAP

Anticipated classification of this application:

Prior Application Examiner: Chih-Min Kam

Art Unit: 1653

22858 U.S. PTO
10/802574



Address to:

Mail Stop Patent Applications
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing as ☒ continuation, ☐ divisional application under 37 CFR 1.53(b) of prior application Number 09/962,360, filed on September 25, 2001 titled High Throughput Assays for the Proteolytic Activities of Clostridial Neurotoxins by the following inventors:

James J. Schmidt and Robert G. Stafford

1. Enclosed is a copy of the latest inventor-signed prior application, including :
 - [32] pages of specification
 - [3] pages of drawings ☒ formal ☐ informal
 - [9] pages of claims
 - [1] page of abstract
 - [9] pages of Sequence Listing and a diskette with a computer readable form of the Sequence Listing. I hereby certify that the paper and computer readable forms of the Sequence Listing are the same and contain no new matter.
 - [] page of application cover
 - ☒ a copy of one page of oath or declaration showing the original signature or an indication it was signed.

I hereby verify that the papers are a true copy of the latest signed prior application number 09/962,360, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☐ Preliminary amendment to be entered before fee calculation: (Amendments can only include correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee.) (At least one original independent claim must be retained for filing purposes.):

Basic filing fee..... 770.00
Total effective claims 54 minus 20 = 34 x \$18 = 612.00
Independent claims 2 minus 3 = 0 x \$82 = 0.00

TOTAL \$1,382.00

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3. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 ☐ is enclosed.

☐ was filed in prior application number _____ and such status is still proper and desired.

4. ☐ A check in the amount of \$_____ is enclosed.

5. ☒ The inventor(s) of the invention being claimed in this application is (are):
James J. Schmidt and Robert G. Stafford

6. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.60(b), the commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

7. ☒ Amend the specification by inserting before the first line the sentence: "This application is a ☒ continuation ☐ division of application number 09/962,360, filed September 25, 2001, (status, allowed)."

8. ☐ New formal drawings are enclosed.

9. ☐ Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. 119(a) - (d).

10. ☐ A preliminary amendment is enclosed.

Additional fee Calculation for Preliminary amendment per box 10.

| Claims remaining after amendment | Highest number previously paid for | Present Extra | Additional Fee |
|--|--|------------------|-------------------|
| Total effective claims | minus | = x <u>22</u> = | |
| Independent claims | minus | = x <u>82</u> = | |
| TOTAL | | | |

Total filing fee: 1,382.00

11. ☒ The Commissioner is hereby authorized to charge fees in the amount of U.S.\$1,382.00, or any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit account No. 21-0380. (A duplicate copy of this form is enclosed.)

12. ☐ The prior application is assigned of record to _____

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13. ☒ INFORMATION DISCLOSURE STATEMENT: Attached is a copy of 2 sheets of Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application relied upon under 35 USC 119(a-d) above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO 1449 with the Examiner's initials in the left column per MPEP 609.

14. ☒ The power of attorney in the prior application is to: Elizabeth Arwine, Reg. No. 45,867, and Sana A. Pratt, Reg. No. 39,441.

a. ☒ The power of attorney appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Ms. Elizabeth Arwine, Reg. No. 45,867 is hereby appointed as attorney in this application to prosecute and handle all business in the Patent and Trademark Office connected therewith. Please address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Ms. Elizabeth Arwine, Registration no. 45,867
U. S. Army Medical Research and Materiel Command
Staff Judge Advocate Office
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Fort Detrick, Maryland 21702-5012
ATTN: MCMR-JA (Elizabeth Arwine- PATENT ATTY)
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☐ Firm or individual name:

Address:

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ZIP:

Country: US

Telephone:

March 17, 2004
Date

S. Pratt, Reg No. 39,441
for Elizabeth Arwine, Reg. No. 45,867

I hereby certify that this request for continuation application is being mailed in an Express Mail Envelope with an Express Mail label
No.: EL573851413US addressed to: Mail Stop Patent Applications,
Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on
the date of 17 March 2004.

March 17, 2004
Date

S. Pratt
Sana A. Pratt, Reg. No. 39,441